



State-Administered Indigent Defense Systems, 2013

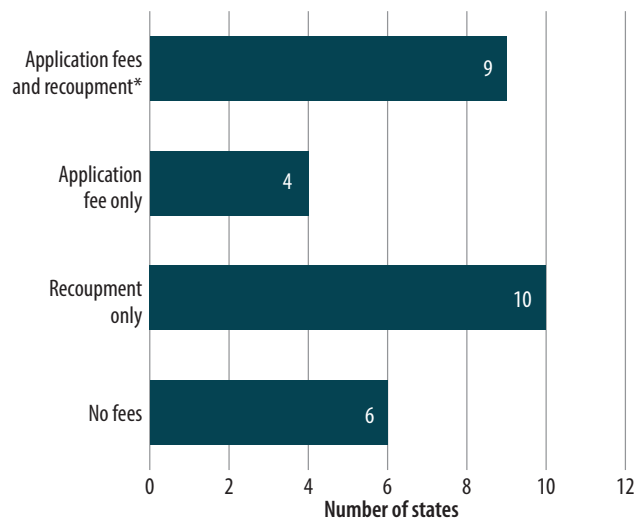
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In 2013, 28 states and the District of Columbia had state-administered indigent defense programs for the delivery of criminal defense services.¹ State-administered indigent defense systems were either completely funded and administered by the state, or were funded by the state and county but administered by the state. In most states, one central office managed the delivery of all methods of state-administered indigent defense. Alaska, Colorado, the District of Columbia, and Rhode Island had two offices that administered indigent defense. Twenty-four states and the District of Columbia used multiple delivery methods to provide indigent defense and four states used one delivery method (appendix table 1). In 25 states and the District of Columbia public defenders were government employees.

By law, states must provide legal defense to those who were charged with a criminal offense involving a possible loss of liberty and who were unable to afford an attorney. Many states authorized some form of cost recovery for providing legal defense to indigent clients. Some states charged an application fee prior to providing legal representation, while other states charged recoupment, where a client pays all or a portion of the costs associated with legal representation or support services. In 2013, 22 states and the District of Columbia charged indigent clients application fees, recoupment, or both (figure 1).

¹The administration of indigent defense in the District of Columbia was handled primarily by the Public Defender Service (PDS). See *Methodology*.

FIGURE 1
States that collected fees for indigent defense, fiscal year 2013



Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. If any office or delivery method required a fee or recoupment, it was presented for the entire state.

*Includes the District of Columbia.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

HIGHLIGHTS

- Of the 28 states and the District of Columbia that had state-administered indigent defense systems in 2013—
 - Twenty-seven states and the District of Columbia had either governmental or nongovernmental public defenders providing representation for indigent clients.
 - Eight states and the District of Columbia required indigent clients to pay both an application fee to receive representation and recoupment for legal services provided.
 - In nine states the governor appointed the chief executives of the indigent defense delivery system.
 - Six states reported fewer than 10 full-time equivalent investigators on staff for public defender offices.
- Between 2007 and 2013, 16 of the 22 states with state-administered public defender offices increased the number of full-time equivalent litigating attorneys.
- In 2013, state-administered systems closed an estimated 2,696,950 criminal, appellate, civil, and juvenile cases.

The Bureau of Justice Statistics' (BJS) 2013 National Survey of Indigent Defense Systems (NSIDS) was the first census of all state- and county-administered indigent defense systems. It was also the first collection of data focusing on criminal defense and civil, juvenile, and appellate representation. This report combined governmental, conflict, and nongovernmental public defenders into one category. Unless otherwise noted, the categories included public defenders, contract counsel, and assigned or appointed counsel.

States were able to delegate some or all of the responsibility of providing indigent defense to local jurisdictions or counties. This resulted in wide variability in how states

supported indigent defense functions, such as developing standards, funding the system, determining educational and training requirements for attorneys, and managing and delivering indigent defense. Various organizations, including the American Bar Association, National Legal Aid and Defender Association, and National Juvenile Defender Center, have developed guidelines and standards for indigent defense systems. This report does not specifically address standards for any organizations.

Types of indigent defense systems

In 1963, the United States Supreme Court ruled in *Gideon v. Wainwright* that states are required to provide counsel to indigent defendants accused of serious crimes under the Fourteenth Amendment to the U.S. Constitution. In 1967, the Supreme Court again ruled in *In re: Gault* that the same right to counsel applied to indigent juveniles in delinquency hearings. In addition, in 1972, the Supreme Court ruled in *Argersinger v. Hamlin* that the right to counsel also applies to any misdemeanor charges that include the potential loss of liberty. Some states extend the right to counsel to other hearings that may involve a loss of liberty, including extradition, involuntary mental health commitments, nonpayment of child support, and cases involving juveniles, such as child dependency, abuse, and neglect cases.

Indigent defense systems provide representation using—

- governmental public defender office, which provides representation through publicly operated governmental offices where staff are government employees funded by the state or county governments.

- governmental conflict public defender office, which provides representation in cases where legal conflicts exist through a publicly operated governmental office and where staff are government employees.
- nongovernmental public defender office, which provides representation through written contracts between some governmental entity and a nonprofit entity. Staff are not government employees.
- contract system, which provides representation through contracts or other agreements between a governmental entity and one or more private attorneys or law firms that operate for-profit.
- assigned or appointed counsel system, which provides representation through individual attorneys or law firms. These attorneys are assigned or appointed on a case-by-case basis.

Two-thirds of reported cases were closed by public defender offices

In 2013, state-administered indigent defense systems served an estimated 103,778,710 residents (table 1). The median number of cases closed per state was 75,560 (not shown

in table). In 2013, public defenders closed 67% of cases, followed by assigned counsel (20%), contract counsel (13%), and conflict counsel (<1%) (appendix table 2).

TABLE 1
Characteristics of state-administered indigent defense systems, by state, fiscal year 2013

State	Resident population, July 1, 2013	Total cases closed ^a	FTE litigating attorneys		
			Public defender ^b	Contract attorney	Assigned /appointed counsel ^c
Total	103,778,710	2,696,950	5,260	1,753	7,944
Alaska	735,130	6,500	100	10	/
Arkansas	2,959,370	88,760	10	140	/
Colorado	5,268,370	111,160	400	0	200
Connecticut	3,596,080	70,870	240	780	0
Delaware	925,750	33,470	90	30	30
District of Columbia	646,450	13,500	100	0	0
Hawaii	1,404,050	36,200	100	0	0
Iowa	3,090,420	152,870	210	/	550
Kentucky	4,395,300	160,200	350	30	0
Louisiana ^d	4,625,470	157,000	190	290	4
Maine	1,328,300	28,820	0	2	230
Maryland ^e	5,928,810	218,140	550	0	1,070
Massachusetts	6,692,820	192,490	210	0	1,420
Minnesota	5,420,380	158,800	310	0	0
Missouri	6,044,170	79,990	370	0	110
Montana	1,015,170	30,400	110	110	0
New Hampshire	1,323,460	31,430	120	20	30
New Jersey	8,899,340	108,590	520	0	0
New Mexico	2,085,290	75,560	210	130	210
North Carolina ^f	9,848,060	333,190	320	20	560
North Dakota	723,390	12,000	10	20	20
Oregon	3,930,070	172,650	/	/	/
Rhode Island	1,051,510	29,770	40	10	70
South Carolina	4,774,840	59,550	200	100	420
Vermont	626,630	19,200	40	50	/
Virginia ^g	8,260,410	98,430	300	0	2,220
West Virginia	1,854,300	64,750	120	1	800
Wisconsin	5,742,710	138,320	/	/	/
Wyoming	582,660	14,340	40	10	/

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Excluding counts that are 5 or fewer, numbers are rounded to the nearest 10. Calculations were generated from reported numbers and then rounded to the nearest 10. See *Methodology* for definitions, methods for calculating full-time equivalent (FTE) staff, and details on state-specific systems.

~Not applicable.

/Not reported.

^aA case was defined as a set of all charges against a single defendant that were handled by the court as a single matter. A case with three defendants was recorded as three cases, but a case with one defendant with multiple charges was counted as one case.

^bIncludes government, nongovernment, and conflict public defenders.

^cInterpret with caution. Assigned attorneys are difficult to classify as full or part-time because they can carry various caseloads.

^dLouisiana reported 157,000 cases closed, and 157,760 cases closed by case type.

^eMaryland did not report. Numbers reflect cases opened in calendar year 2013 obtained from the 2014 Fiscal Year Annual Report from the Office of the Public Defender.

^fNorth Carolina reported total cases closed of 327,540 but could not provide cases closed by case type. Numbers in this table reflect total number of capital cases closed. The remaining case counts are provided through fee applications, not cases closed.

^gVirginia's public defender closed 98,430 cases. Virginia's Supreme Court Yearly Report on Legal or Medical Services indicated that assigned/appointed counsel represented 179,170 individuals in 2013 (not included in table). The number of assigned/appointed counsel was reported as of June 30, 2013 in the Virginia Indigent Defense Commission's Annual Report for 2013.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013; and U.S. Census Bureau, Annual Estimates of the Resident Population: July 1, 2013.

Eighty-two percent of the total caseload reported in 2013 could be tracked by case type (table 2). State-administered indigent defense systems closed mainly misdemeanor, noncapital felony, and civil cases.

Of the reporting states, misdemeanor cases made up a majority of closed cases in four states, while felony cases made up the majority of closed cases in one state. Nearly a third of cases closed in New Jersey and Oregon (32% each) were civil cases.

TABLE 2
Cases closed by state indigent defense systems, by case type and state, fiscal year 2013

State	Total	Capital	Felony	Misdemeanor	Parole/ probation violation	Appeals	Juvenile ^a	Civil ^b	Other ^c
Arkansas	88,760	/	29,130	38,570	/	/	21,060	/	/
Colorado	111,160	10	42,680	38,820	23,000	890	5,910	460	0
Connecticut ^d	70,870	10	2,300	45,820	7,000	420	4,850	10,490	/
Delaware	33,470	20	5,890	15,950	6,950	100	4,500	0	60
District of Columbia ^{d,e,f}	13,480	~	950	/	1,570	70	410	1,160	9,310
Hawaii ^d	36,200	~	4,110	27,330	1,840	70	2,500	340	0
Kentucky	160,200	20	74,170	52,990	530	250	20,450	0	11,810
Louisiana ^g	157,760	60	52,320	79,260	8,810	750	10,160	3,400	0
Maine ^d	28,820	0	8,070	9,950	1,670	130	2,100	6,880	10
Maryland ^{d,h}	218,140	/	/	/	19,170	/	14,410	/	184,560
Minnesota ^d	158,800	~	24,800	9,000	20,000	700	19,100	4,000	200
Missouri	79,990	30	37,580	17,780	18,470	450	1,620	1,370	2,680
New Hampshire	31,430	0	8,010	11,530	2,130	100	3,110	3,860	2,690
New Jersey ^{d,i}	108,590	~	58,900	/	/	2,710	10,230	35,270	1,490
New Mexico ^d	75,560	110	25,980	32,300	9,900	110	6,770	150	240
North Carolina ^j	333,190	440	60,410	151,050	27,550	1,370	13,120	76,990	2,270
North Dakota ^d	12,000	~	5,300	5,300	350	100	710	/	240
Oregon	172,650	20	36,440	45,440	22,480	2,120	6,930	55,480	3,730
Rhode Island ^{d,e}	21,050	~	5,000	10,150	4,320	60	1,130	400	/
South Carolina	59,550	30	25,290	15,490	5,030	840	9,720	2,250	900
Vermont ^d	19,200	~	3,560	8,860	1,460	170	4,910	250	/
West Virginia ^d	64,750	~	15,130	26,180	2,270	360	6,320	12,530	1,960
Wisconsin ^d	138,320	~	33,710	53,090	7,670	3,200	18,870	13,230	8,580
Wyoming	14,340	10	3,100	10,670	~	60	500	0	0

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Includes cases where a judgment of conviction, acquittal, or dismissal with or without prejudice was entered by the court. See *Methodology* for expanded definition. Excluding counts that are 5 or fewer, numbers are rounded to the nearest 10. Calculations were generated from reported numbers and then rounded to the nearest 10. Alaska, Iowa, Massachusetts, Montana, and Virginia did not track cases by case type.

~Not applicable.

/Not reported.

^aIncludes juvenile delinquency, status offenses, transfer/waiver hearings, juvenile appeals, educational proceedings, or probation/parole revocations).

^bIncludes mental health commitments, state post-conviction/habeas corpus, federal habeas corpus, child protection dependency, termination of parental rights, civil commitment of sexually violent predators, sex offender registry proceedings, and therapeutic treatment courts.

^cIncludes extradition, criminal contempt of court, and cases that could not be classified.

^dIn 2013, state or jurisdiction did not have or had abolished the death penalty. See state specific notes in *Methodology*.

^eNumbers reflect Public Defender only.

^fMisdemeanors are included in other case types.

^gLouisiana reported 157,000 cases closed, and 157,760 cases closed by case type.

^hNumbers reflect parole/probation violation and juvenile cases opened in calendar year 2013 obtained from the 2014 Fiscal Year Annual Report from the Office of the Public Defender.

ⁱMisdemeanors in New Jersey were handled by municipal courts, which were outside of the scope of this survey.

^jNorth Carolina reported total number of capital cases closed. Remainder of cases are reported by fee applications and do not necessarily reflect closed cases.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

State-administered indigent defense systems employed 10,520 full-time equivalent attorneys in 2013

States that reported caseloads by type of case reported an estimated 10,520 full-time equivalent (FTE) litigating attorneys in 2013, ranging from a low of 40 in Rhode Island to a high of 1,620 in Maryland (table 3).² Overall, caseloads

ranged from 50 cases for every FTE litigating attorney in Minnesota to 590 cases for every FTE litigating attorney in Arkansas.³ Felony caseloads ranged from two cases for every FTE litigating attorney in Connecticut to 200 cases for every FTE litigating attorney in Arkansas. Misdemeanor caseloads ranged from 20 cases for every FTE litigating attorney in South Carolina to 290 cases for every FTE litigating attorney in Minnesota.

²Respondents were asked to report full- and part-time attorneys, but the survey did not collect unit of count and may differ for assigned attorneys. See *Methodology*.

³This assumes that all cases and case types are evenly distributed across full-time equivalent (FTE) litigating attorneys. See *Methodology*.

TABLE 3
Proportion of closed cases per full-time equivalent litigating attorney in state indigent defense systems, by selected case type, fiscal year 2013

State	Total FTE litigating attorneys	Cases per FTE litigating attorney				
		Total	Felony	Misdemeanor	Juvenile ^a	Appeals
Total reporting	8,830	250	70	80	20	2
Arkansas	150	590	200	270	150	/
Colorado	600	310	71	64	10	2
Connecticut ^b	240	300	10	190	20	2
Delaware	150	220	40	110	30	1
District of Columbia ^c	100	140	10	~	4	1
Hawaii	100	360	40	280	30	1
Kentucky ^d	350	460	210	150	60	1
Louisiana ^e	490	320	110	160	20	2
Maine	230	130	40	40	10	1
Maryland ^f	1,620	130	/	/	10	/
Minnesota	310	50	80	290	60	2
Missouri	480	170	80	40	3	1
New Hampshire	160	200	50	70	20	1
New Jersey ^g	520	210	110	/	20	5
New Mexico	550	140	50	60	10	0
North Carolina ^h	900	360	70	170	20	2
North Dakota	60	200	100	100	10	2
Rhode Island ^c	40	530	110	230	30	1
South Carolina	720	80	40	20	10	1
Vermont	90	210	40	100	50	2
West Virginia	920	70	20	30	10	0
Wyoming	50	290	60	200	10	1

Note: This table assumes that all cases and case types are evenly distributed across full-time equivalent (FTE) litigating attorneys. The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Excluding counts that are 5 or fewer, numbers are rounded to the nearest 10. Calculations were generated from reported numbers and rounded to the nearest 10. Alaska, Iowa, Massachusetts, Montana, and Virginia did not track cases by case type. Oregon did not report the number of employees for the system. See *Methodology* for definitions and detail on calculating full-time equivalent (FTE) staff.

~Not applicable.

/Not reported.

^aIncludes juvenile delinquency, status offenses, transfer/waiver hearings, juvenile appeals, educational proceedings, or probation/parole revocations.

^bConnecticut's caseload is handled primarily by public defenders. Contract counsel were not included in caseload calculations.

^cNumbers reflect Public Defender only.

^dKentucky contract attorneys do not litigate on a full-time basis, so the total FTE are based only on public defenders.

^eLouisiana reported 157,760 cases closed by case type.

^fMaryland did not report. Numbers reflect cases opened in calendar year 2013 obtained from the 2014 Fiscal Year Annual Report from the Office of the Public Defender.

^gMisdemeanor cases in New Jersey were handled by municipal courts, which were outside the scope of this survey.

^hNorth Carolina reported total number of capital cases closed. Remainder of cases are reported by fee applications and do not necessarily reflect closed cases.

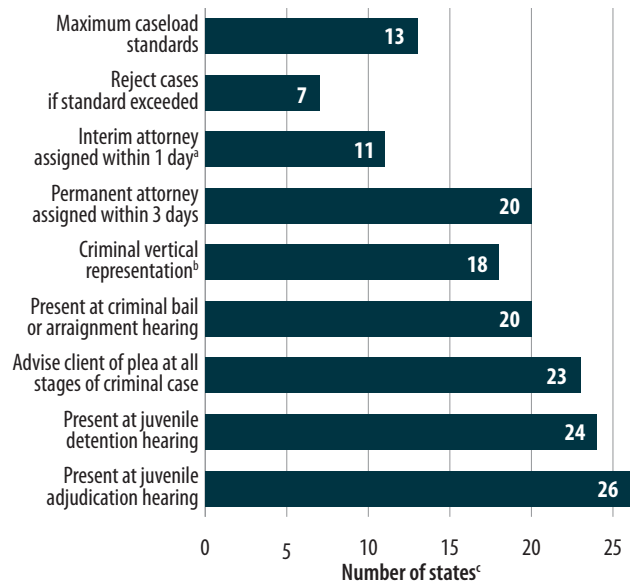
Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

Seven states reported that attorneys could reject cases if they exceeded caseload limits

Twelve states and the District of Columbia had caseload limits for their attorneys in 2013 (figure 2). Ten states and the District of Columbia assigned an interim attorney to a case within 1 day of arrest, detention, or defendant's request for an attorney. Nineteen states and the District of Columbia assigned a permanent attorney within 3 days.

In 2013, 17 states and the District of Columbia reported that the same attorney represented a client from assignment through all stages of the proceedings, called vertical representation. Nineteen states and the District of Columbia maintained a guideline that an attorney be present at bail hearings or arraignment. Twenty-two states and the District of Columbia reported that it had a guideline for the attorney to advise defendants about any plea bargains at any stage of prosecution, with 17 states and the District of Columbia reporting that it was a mandatory guideline (appendix table 3).

FIGURE 2
Caseload standards and guidelines for attorney representation in criminal and juvenile cases in state indigent defense systems, fiscal year 2013



Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. If one office or one delivery method indicated it has a standard, or that the standard was mandatory, it was presented for the whole state. See appendix table 3 for detail.

^aAttorney assigned to the defendant at any initial hearing, immediately following arrest or following the issuance of a summons, until a permanent attorney was provided.

^bThe same attorney represents the client from appointment through all stages of the court proceedings.

^cIncludes the District of Columbia.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

Most states reported that they required attorneys to be present at juvenile detention (23 states and the District of Columbia) and juvenile adjudication (25 states and the District of Columbia) hearings. Five states reported that they did not have guidelines regarding representation of juveniles at detention, and three states reported that they did not have guidelines for representation of juveniles at adjudication.

Eight states required indigent clients to pay an application fee and all or a portion of their legal fees

Eight states and the District of Columbia required the client to pay both an application fee and recoupment, where a client pays all or a portion of the costs associated with legal representation or support service (table 4). Four states required an application fee only. Application fees ranged from \$10 in New Mexico to \$212 in Arkansas. Ten states required payment for some portion of the client's legal representation, but did not require an application fee, and six states did not require any fees.

TABLE 4
Application fees and payment for legal representation and support services in state indigent defense systems, by requirements and state, fiscal year 2013

State	Amount of fee	Amount of recoupment standard
Required application and recoupment		
District of Columbia ^a	\$25	Based on ability to pay
Louisiana	40	Based on ability to pay
Maryland	50	Based on ability to pay
Massachusetts	150	Based on ability to pay
New Mexico	10	Based on ability to pay
North Carolina ^b	60	Based on ability to pay
Oregon	20	Based on ability to pay
South Carolina	40	Based on ability to pay
Vermont	50	Based on ability to pay
Required application fee but not recoupment		
Arkansas	\$212	None
Colorado	25	None
Connecticut	25	None
North Dakota	35	None
Did not require application fee but required recoupment		
New Hampshire	None	All clients required to pay
New Jersey	None	All clients required to pay
Alaska	None	Based on ability to pay
Iowa	None	Based on ability to pay
Kentucky	None	Based on ability to pay
Maine	None	Based on ability to pay
Missouri	None	Based on ability to pay
Montana	None	Based on ability to pay
Wisconsin	None	Based on ability to pay
Wyoming	None	Based on ability to pay

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. If any office or delivery method required a fee or recoupment, it was presented for the entire state. Delaware, Hawaii, Minnesota, Rhode Island, Virginia, and West Virginia did not require application fees or recoupment.

^aDistrict of Columbia Public Defender Service required a \$25 application fee but not recoupment. District of Columbia Superior Court did not have an application fee but based recoupment on ability to pay.

^bNorth Carolina governmental public defender, contract counsel, and assigned or appointed attorney systems required an application fee. Recoupment is sought in convicted cases. North Carolina nongovernmental public defender offices did not require an application fee but based recoupment on ability to pay.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

States reported their annual expenditures, personnel costs, and revenue received for fiscal year 2013. Expenditures included all recurring fixed and variable costs associated with the operation, management, and administration of indigent defense systems, including personnel costs. It did not include nonrecurring fixed capital costs, such as building construction and major equipment purchases. State-administered indigent defense systems spent more than \$1 billion in 2013 (not shown). Personnel costs included salaries and benefits of all full- and part-time personnel. For contract and assigned counsel systems, personnel costs included only the costs of the management or oversight of those systems. Attorneys paid by contract

or under assignment are reported in later tables. State-administered indigent defense systems spent more than \$900 million on personnel costs in 2013 (not shown).⁴

States reported the amount and sources of revenue received. Alaska, Hawaii, Massachusetts, New Hampshire, Virginia, and West Virginia were funded entirely by the state, while Delaware and the District of Columbia were funded entirely by the federal government (table 5). In comparison, Connecticut and Oregon were funded entirely from client application fees, while New Jersey was funded by recoupment.

⁴Wisconsin did not report personnel costs.

TABLE 5
Total revenue received by state indigent defense systems, by source and state, fiscal year 2013

State	Revenue received (in thousands)	Total	Federal	State	County	Application fees	Recoupment	Other ^a
Alaska ^b	\$50,504	100%	0.00%	100%	0.00%	~%	0.00%	0.00%
Arkansas ^c	2,433		/	/	/	/	~	/
Colorado	22,825	100%	0.00	99.20	0.60	0.00	~	0.20
Connecticut	121	100%	0.00	0.00	0.00	100.00	~	0.00
Delaware	187	100%	100.00	0.00	0.00	~	~	0.00
District of Columbia ^d	35,293	100%	100.00	0.00	0.00	0.00	0.00	0.00
Hawaii	10,407	100%	0.00	100.00	0.00	~	~	0.00
Iowa ^e	56,876	100%	0.00	97.20	2.80	~	0.00	0.00
Kentucky	43,482	100%	0.00	97.00	0.00	~	3.00	0.00
Louisiana	68,012	100%	0.20	48.80	1.70	1.50	1.10	46.80
Maine	12,478	100%	0.00	95.20	0.00	~	4.80	0.00
Maryland	96,838	100%	0.00	99.80	0.00	0.00	0.00	0.20
Massachusetts	203,318	100%	0.00	100.00	0.00	0.00	0.00	0.00
Minnesota	69,050	100%	2.00	95.60	0.00	~	~	2.40
Missouri	39,652	100%	0.00	91.60	0.00	~	3.00	5.40
Montana	26,131	100%	0.00	99.20	0.00	~	0.70	0.10
New Hampshire	20,750	100%	0.00	100.00	0.00	~	0.00	0.00
New Jersey	3,250	100%	0.00	0.00	0.00	~	100	0.00
New Mexico	41,138	100%	0.00	99.40	0.00	0.60	0.00	0.00
North Carolina	129,217	100%	0.00	89.23	0.75	1.04	8.90	0.08
North Dakota	7,000	100%	0.00	85.70	0.00	2.90	11.40	0.00
Oregon ^f	2,107	100%	0.00	0.00	0.00	100.00	0.00	0.00
Rhode Island	13,988	100%	1.30	98.70	0.00	~	~	0.00
South Carolina ^g	32,904	100%	0.00	50.70	46.10	2.00	0.00	1.10
Vermont	12,585	100%	0.00	95.00	0.00	5.00	0.00	0.00
Virginia ^h	45,051	100%	0.00	100.00	0.00	~	~	0.00
West Virginia	40,533	100%	0.00	100.00	0.00	~	~	0.00
Wyoming	10,010	100%	0.00	85.00	15.00	~	0.00	0.00

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Offices reported the total revenue and revenue by source. The total revenue used in this table was summed from revenue by source. Wisconsin did not report data.

~Not applicable.

/Not reported.

^aIncludes private grants, court fees, bond forfeitures, increase on attorney licensing fees, drug courts, reimbursable litigation, and bank interest.

^bAlaska Office of the Alternate Defender reported \$26 million in revenue. Alaska Office of the Public Defender reported \$24,504,000 in revenue.

^cArkansas reported total revenue, but did not report by source.

^dNumbers reflect District of Columbia Public Defender Service only.

^eIowa reported 0.01% in private grant revenue.

^fRecoupment includes contribution amounts.

^gSouth Carolina reported 0.20% in city revenue (not shown in table).

^hNumbers reflect Virginia Indigent Defense Commission only.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

States used a variety of factors to determine whether a client was indigent. Typically, indigence can be made by the court or by the indigent defense office. The survey did not ask who was responsible for determining a client's indigence. Instead, it collected information on the factors used to determine indigence.

Connecticut, Kentucky, and Missouri (8 factors each) used the most factors to determine indigence, while Wyoming (2 factors) used the fewest (**table 6**). Twenty-seven states and the District of Columbia used income as a factor, while nine states used a defendant's ability to post bond as a factor.

TABLE 6
Factors used to determine client indigence in state indigent defense systems, by state, fiscal year 2013

State	Total number of factors	Financial ability of client ^a	Poverty guidelines	Nature of charge	Cost of private counsel	Age	Incarcerated public facility	Financial ability of family members	Ability to post bond	Other ^b
Total affirmative responses		28	22	20	18	18	16	13	9	7
Alaska	7	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes
Arkansas	6	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Colorado	6	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No
Connecticut	8	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Delaware	3	Yes	No	No	No	Yes	Yes	No	No	No
District of Columbia	3	Yes	Yes	No	Yes	No	No	No	No	No
Hawaii	6	Yes	Yes	Yes	Yes	No	Yes	No	Yes	/
Iowa	6	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No
Kentucky	8	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Louisiana	5	Yes	Yes	/	/	Yes	Yes	/	Yes	/
Maine	5	Yes	Yes	Yes	No	No	No	Yes	Yes	No
Maryland	5	Yes	Yes	No	Yes	Yes	Yes	No	No	No
Massachusetts	5	Yes	Yes	No	No	Yes	Yes	Yes	No	No
Minnesota	6	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Missouri	8	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Montana	6	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No
New Hampshire	5	Yes	No	Yes	Yes	Yes	No	No	No	Yes
New Jersey	5	Yes	No	Yes	Yes	No	No	Yes	Yes	/
New Mexico	5	Yes	Yes	Yes	No	Yes	Yes	No	No	No
North Carolina	5	Yes	No	Yes	Yes	Yes	No	Yes	No	/
North Dakota	3	Yes	Yes	No	No	No	No	Yes	No	No
Oregon	7	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes
Rhode Island	6	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No
South Carolina	5	Yes	Yes	Yes	No	No	Yes	Yes	No	No
Vermont	6	Yes	Yes	Yes	No	Yes	Yes	Yes	No	No
West Virginia	3	Yes	Yes	No	Yes	No	No	No	No	No
Wisconsin	6	Yes	Yes	Yes	Yes	/	/	Yes	No	Yes
Wyoming ^c	2	Yes	/	/	/	/	/	/	/	Yes

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. If one office or delivery method in a state reported having a factor, it was included for the entire state. Virginia did not report data.

/Not reported.

^aBased on affirmative response to at least one of the following: client income, client assets value, client employment status, amount of client debt, client personal expenses, receipt of public assistance, or number of dependents.

^bIncludes client's education and additional factors the court deemed relevant to the client's ability to obtain private counsel.

^cWyoming indicated that the court has complete discretion based on a defendant's sworn affidavit or sworn testimony.

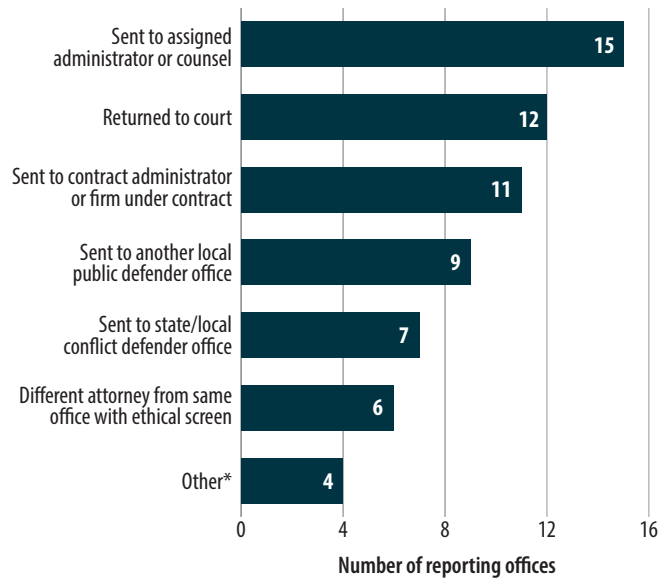
Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

The most common method of managing conflicts of interest was to send the case to assigned counsel

Overall, 27 states and the District of Columbia Public Defender Service responded about conflict management. Arkansas, New Jersey, Rhode Island (2 offices), and West Virginia reported that they did not maintain guidelines or policies for conflict of interest cases (not shown). Offices reported how cases were processed when an attorney had a conflict of interest.⁵ Offices could use more than one method of conflict management. The most common method reported by indigent defense offices was to send the case to an appointed counsel program administrator or directly to appointed counsel (figure 3).

⁵Delivery method responses were reported at the office level. That is, if one delivery method reported a conflict management strategy, it was marked for the office.

FIGURE 3
How conflicts of interest were managed by state indigent defense systems, by office, fiscal year 2013



Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Detail may not sum to total because offices could use more than one method of conflict management. Includes 27 offices in 24 states and the District of Columbia. If a conflict management strategy was reported for one delivery method, it was presented for all. Arkansas, New Jersey, Rhode Island (2 offices), and West Virginia reported that they did not have guidelines for conflict management. Of the 35 offices surveyed, only Wyoming did not respond.

*Includes appointment to private bar, pro bono programs in private firms, or returned to the public defender.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

26 states employed 4,676 full-time equivalent line public defenders

Many of the 28 state-administered indigent defense programs and the District of Columbia reported that their system had one FTE chief executive. Louisiana and North Carolina reported more than 20 chief executives (table 7). Contract systems and assigned or appointed counsel systems were not asked about managing attorneys, supervising attorneys, or line attorneys. Of the reporting public defender and conflict public defender delivery systems, states and the District of Columbia reported 188 FTE managing attorneys,

who did not litigate cases but managed staff, assessed attorney performance, and monitored indigent defense delivery. In addition, 25 states reported 580 FTE supervising attorneys, and 26 states reported 4,662 line public defenders.

All delivery methods were given the option to list the number of contract and assigned or appointed attorneys. Of those that reported, contract counsel ranged from 1 FTE in West Virginia to 775 FTEs in Connecticut, and assigned or appointed counsel ranged from 4 FTEs in Louisiana to 2,220 FTEs in Virginia.

TABLE 7
Full-time equivalent attorney staff paid by state indigent defense systems, by type of attorney and state, fiscal year 2013

State	Chief executive	Managing attorneys ^{a,b}	Supervisor ^{a,c}	Line public defender attorneys ^a	Contract counsel	Assigned/appointed ^d
Total reporting	101	188	580	4,662	1,725	7,929
Alaska ^e	1	1	15	83	10	~
Arkansas	1	8	1	6	138	/
Colorado	2	2	60	339	~	200
Connecticut	4	12	39	198	775	~
Delaware	2	5	6	81	31	28
District of Columbia ^f	1	12	11	85	~	~
Hawaii	1	6	4	93	~	~
Iowa	1	1	19	188	/	550
Kentucky	2	11	45	301	~	~
Louisiana	29	14	12	182	292	4
Maine	1	~	~	~	2	225
Maryland	2	18	75	477	~	1,070
Massachusetts	2	9	38	172	~	1,420
Minnesota	2	11	31	278	~	~
Missouri	3	6	48	319	~	113
Montana ^g	3	13	0	112	111	/
New Hampshire	3	9	0	120	18	25
New Jersey	1	22	24	496	~	~
New Mexico	4	3	15	190	132	212
North Carolina	22	/	/	321	20	560
North Dakota	2	0	7	13	20	15
Oregon	1	/	/	/	/	/
Rhode Island	1	2	6	38	7	72
South Carolina	2	1	16	184	103	415
Vermont	2	0	10	29	54	/
Virginia ^h	1	4	79	216	~	2,220
West Virginia	4	17	4	113	1	800
Wisconsin	/	/	/	/	/	/
Wyoming	1	1	15	28	11	~

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Numbers are rounded to the nearest whole number. See *Methodology* for more detail on calculating full-time equivalent (FTE) staff.

~Not applicable.

/Not reported.

^aOnly public defender and conflict defender offices were given the option to list managing, supervisory, and line attorneys.

^bAttorneys in this category do not litigate.

^cAttorneys in this category also litigate.

^dInterpret with caution. Assigned attorneys are difficult to classify as full or part-time because they can carry various caseloads

^eAlaska Office of the Alternate Defender did not report. Numbers reflect Alaska Public Defender only.

^fDistrict of Columbia Superior Court did not report. Numbers reflect District of Columbia Public Defender Service, which only used public defenders for delivery method.

^gMontana's 222 part-time contract attorneys were shared by all three delivery methods (public defender, conflict public defender, and contract counsel).

^hAssigned/appointed counsel detail from 2013 Annual Report of Virginia Indigent Defense Commission.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

Twenty-three states and the District of Columbia reported that their indigent defense systems required their attorneys to have annual performance reviews (table 8). Additionally, 25 states and the District of Columbia mandated their attorneys to complete continuing legal education (CLE).

State-administered indigent defense systems typically provided opportunities for professional development in criminal law (28), ethics (27), trial skills (27), and motions (26) (appendix table 4).

TABLE 8
Regular performance reviews and personnel development offered to attorneys in state indigent defense systems, by state, fiscal year 2013

State	Regular attorney performance reviews	Required continuing legal education (CLE)	Minimum number of CLE hours or professional training required	Number of areas of professional development ^a
Alaska	Yes	Yes	Yes	9
Arkansas ^b	Yes	Yes	Yes	9
Colorado	Yes	Yes	Yes	8
Connecticut	Yes	Yes	Yes	11
Delaware	Yes	Yes	No	10
District of Columbia ^c	Yes	Yes	No	9
Hawaii	No	Yes	No	5
Iowa	Yes	Yes	Yes	5
Kentucky	Yes	Yes	Yes	8
Louisiana	Yes	Yes	No	10
Maine	No	Yes	Yes	8
Maryland	Yes	Yes	Yes	10
Massachusetts	Yes	Yes	Yes	9
Minnesota	Yes	Yes	Yes	8
Missouri	Yes	Yes	Yes	8
Montana	Yes	Yes	No	10
New Hampshire	Yes	Yes	Yes	6
New Jersey	Yes	Yes	Yes	8
New Mexico	Yes	Yes	Yes	8
North Carolina ^d	Yes	No	No	11
North Dakota	Yes	Yes	Yes	6
Oregon	Yes	Yes	Yes	10
Rhode Island ^e	No	Yes	Yes	4
South Carolina ^f	No	Yes	No	10
Vermont	Yes	Yes	Yes	10
Virginia ^g	Yes	Yes	Yes	6
West Virginia	No	No	No	7
Wisconsin	Yes	Yes	Yes	8
Wyoming	Yes	/	/	/

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. If a standard was reported for one office or one indigent defense delivery method, it was presented for the entire state.

/Not reported.

^aBased on responses to 11 different opportunities for professional development, including criminal law, trial skills, death penalty, motions, ethics, juvenile delinquency, mental illness, dependency cases, appellate, civil, and other areas.

^bCLE not provided to contract or assigned counsel attorneys.

^cDistrict of Columbia Superior Court did not report. Numbers reflect District of Columbia Public Defender Service only.

^dCLE not provided to nongovernmental public defenders.

^eCLE was required for both Rhode Island Public Defenders and Supreme Court; however, CLE was not provided by Rhode Island Supreme Court.

^fCLE not provided to assigned/appointed counsel.

^gNumbers reflect Virginia Indigent Defense Commission only.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

More than 2,000 full-time equivalent employees provided support to public defenders in 2013

Support staff are employees who are not typically attorneys, but persons who provide services such as legal research, investigation, clerical, and administrative services to public defenders and other indigent defense attorneys. State-administered public defender systems employed investigators (944), social workers (252), paralegals (230), and law clerks or interns (614). For public defender and conflict offices, states and the District of Columbia ranged from 3 investigators (North Dakota) to 174 (New Jersey) (table 9). Eight states reported that they did not have any FTE social workers, seven states did not have any FTE law clerks or interns, and five states did not employ any FTE paralegals. An additional 2,900 trainers, indigency screeners, clerical, administrative, and other employees supported all methods of indigent defense delivery in 2013 (appendix table 5). About 60% of these support staff were clerical workers.

TABLE 9
Public defender office full-time equivalent (FTE) support staff in state indigent defense systems, by state, fiscal year 2013

State	Investigators	Social workers	Paralegals	Law clerks/ interns
Total	944	252	230	614
Alaska ^a	16	2	12	12
Colorado ^b	105	3	5	8
Connecticut	60	36	9	32
Delaware	7	14	4	0
District of Columbia ^c	30	10	3	200
Hawaii	7	0	0	0
Iowa	26	0	1	10
Kentucky	50	11	8	1
Louisiana	71	13	8	4
Maryland	16	24	12	300
Massachusetts	43	56	2	1
Minnesota	42	25	27	13
Missouri	59	7	7	0
Montana	38	0	0	0
New Hampshire	26	0	0	0
New Jersey	174	0	6	0
New Mexico	15	10	15	10
North Carolina	50	4	94	/
North Dakota	3	0	4	2
Rhode Island ^d	7	8	0	5
South Carolina	22	0	8	8
Vermont	14	0	1	0
Virginia ^e	53	27	0	/
West Virginia	5	2	4	8
Wyoming	5	/	/	/

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Numbers are rounded to the nearest whole number. The options to report these employees were given only to governmental public defender, nongovernmental public defender, and conflict defender systems. Numbers reflect those delivery methods only. Numbers were reported per state and assumes that employees were evenly distributed among offices. Excludes Arkansas, Maine, Oregon, and Wisconsin. Maine did not report having public defenders in 2013. See *Methodology* for more detail on calculating full-time equivalent (FTE) staff.

/Not reported.

^aAlaska Office of the Alternate Defender did not report. Numbers reflect Alaska Public Defender only.

^bColorado Alternate Defense Counsel did not report. Numbers reflect Colorado State Public Defender only.

^cDistrict of Columbia Superior Court did not report. Numbers reflect District of Columbia Public Defender Service only.

^dRhode Island Supreme Court did not report. Numbers reflect Rhode Island Public Defender only.

^eNumbers reflect Virginia's Indigent Defense Commission only.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

State commissions appointed more than half of indigent defense chief executives

The 28 states and the District of Columbia reported 63 different chief executives. In 2013, half of the chief executives (32 of 63) were appointed by a state commission or the equivalent for the District of Columbia (table 10).

Nineteen percent (12 of 63) of the chief executives were appointed by the governor of the state. No chief executives were publicly elected (not shown). Sixty-eight percent (43 of 63) reported that the chief executive did not have a term limit.

TABLE 10
Authority to appointment of chief executive in state indigent defense systems, by term of office, fiscal year 2013

Chief executive office	Authority to appoint	Term length (in years)
Alaska		
Office of Public Advocacy, Chief Conflict Defender	Governor	No limit
Office of Public Advocacy, Contract Administrator	Governor	No limit
Public Defender, Chief Public Defender	Other ^a	4
Arkansas		
Public Defender Commission, Chief Public Defender	State commission	No limit
Public Defender Commission, Chief Conflict Defender	Other ^a	No limit
Public Defender Commission, Contract Administrator	Other ^a	No limit
Public Defender Commission, Appointed Counsel Administrator	Other ^a	No limit
Colorado		
Alternate Defense Counsel, Chief Conflict Defender	State commission	5
State Public Defender, Chief Public Defender	State commission	5
Connecticut		
Office of Chief Public Defender, Chief Public Defender	State commission	4
Office of Chief Public Defender, Contract Administrator	State commission	4
Delaware		
Public Defender Office, Chief Public Defender	Governor	6
Public Defender Office, Chief Conflict Defender	Chief Executive/Chief Public Defender	No limit
District of Columbia		
Public Defender Service, Chief Public Defender	State commission	No limit
Hawaii		
Office of Public Defender, Chief Public Defender	State commission	4
Iowa		
Public Defender	Governor	No limit
Conflict Defender	Chief Executive/Chief Public Defender	No limit
Contract Administrator	Governor	No limit
Appointed Counsel Administrator	Governor	No limit
Kentucky		
Department of Public Advocacy, Chief Public Defender	Governor	4
Louisiana		
Public Defender Board, Chief Public Defender	State commission	No limit
Maine		
Commission on Indigent Legal Services, Contract Administrator	State commission	No limit
Commission on Indigent Legal Services, Assigned Counsel Administrator	State commission	No limit
Maryland		
State Public Defender, Chief Public Defender	State commission	6
State Public Defender, Assigned Counsel Administrator	Other ^a	No limit
Massachusetts		
Committee for Public Counsel Services, Chief Public Defender	State commission	No limit
Committee for Public Counsel Services, Assigned Counsel Administrator	State commission	No limit
Minnesota		
Board of Public Defense, Chief Public Defender	State commission	4
Missouri		
State Public Defender, Chief Public Defender	State commission	4
Montana		
Office of the State Public Defender, Chief Public Defender	State commission	No limit
Office of the State Public Defender, Chief Conflict Defender	State commission	No limit
Office of the State Public Defender, Contract Administrator	Chief Executive/Chief Public Defender	No limit

Continued on next page

TABLE 10 (continued)**Authority to appointment chief executive, by term of office, fiscal year 2013**

Chief executive office	Authority to appoint	Term length (in years)
New Hampshire		
Chief Executive of the Judicial Council	State commission	No limit
Public Defender	State commission	No limit
New Jersey		
Chief Public Defender	Governor	5
New Mexico		
Public Defender, Chief Public Defender	State commission	4
Public Defender, Contract Administrator	Chief Executive/Chief Public Defender	No limit
North Carolina		
Office of Indigent Defense Services, Governmental Chief Public Defender	Other ^a	4
Office of Indigent Defense Services, Nongovernmental Chief Public Defender	Other ^a	No limit
Office of Indigent Defense Services, Contract Administrator	State commission	4
Office of Indigent Defense Services, Assigned Counsel Administrator	State commission	4
North Dakota		
Commission Legal Counsel for Indigent, Chief Public Defender	State commission	No limit
Commission Legal Counsel for Indigent, Contract Administrator	State commission	No limit
Commission Legal Counsel for Indigent, Assigned Counsel Administrator	State commission	No limit
Oregon		
Office of Public Defense Services, Chief Public Defender	State commission	No limit
Office of Public Defense Services, Contract Administrator	State commission	No limit
Office of Public Defense Services, Assigned Counsel Administrator	State commission	No limit
Rhode Island		
Public Defender, Chief Public Defender	Governor	6
Supreme Court, Contract Administrator	Administrative Office of Courts	No limit
Supreme Court, Assigned Counsel Administrator	Other ^a	No limit
South Carolina		
Chief Public Defender	State commission	4
Contract Administrator	Other ^a	No limit
Assigned Counsel Administrator	State commission	No limit
Vermont		
Office of the Defender General, Chief Public Defender	Governor	4
Office of the Defender General, Contract Administrator	Chief Executive/Chief Public Defender	No limit
Office of the Defender General, Assigned Counsel Administrator	Chief Executive/Chief Public Defender	No limit
Virginia		
Indigent Defense Commission, Chief Public Defender	State commission	No limit
West Virginia		
Public Defense Services, Chief Public Defender	Other ^a	No limit
Public Defense Services, Assigned Counsel Administrator	Governor	4
Wisconsin		
State Public Defender, Chief Public Defender	State commission	No limit
State Public Defender, Contract Administrator	Chief Executive/Chief Public Defender	No limit
State Public Defender, Assigned Counsel Administrator	Chief Executive/Chief Public Defender	No limit
Wyoming		
Office of the State Public Defender, Chief Public Defender ^b	Governor ^a	No limit

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. District of Columbia Superior Court did not report. Unless otherwise specified, chief public defender refers to both governmental and nongovernmental chief public defenders.

^aIncludes resident supreme court judge appointments, hired by a director or commission, board of directors comprised of governor appointees, local commissions and local bar associations, nonprofit board, and joint selection committee of local public defender and state agency.

^bThe Wyoming chief public defender is a member of the governor's cabinet, so the state senate must approve.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

States increased the numbers of full-time equivalent litigating attorneys and support staff between 2007 and 2013

State-administered public defender office characteristics from the 2013 National Survey of Indigent Defense Systems (NSIDS) can be compared with data from the 2007 Census of Public Defender Offices (CPDO). Twenty-two states reported on public defender staffing in both 2007 and 2013. Most of

these states increased the number of full-time equivalent (FTE) litigating defenders; however, the number of FTE litigating defenders decreased in Minnesota, Montana, New Mexico, and Virginia ([table 11](#)).

TABLE 11

Trends in full-time equivalent public defender staffing in state indigent defense systems, fiscal year 2007 and 2013

State	Litigating attorneys		Investigators		Paralegals	
	2007	2013	2007	2013	2007	2013
Total reporting	4,323	4,307	715	766	119	113
Alaska	93	98	15	16	6	12
Arkansas	305	/	6	/	4	/
Colorado	241	399	72	105	4	5
Connecticut	127	237	46	60	2	9
Delaware	70	87	14	7	0	4
Hawaii	93	97	7	7	0	0
Iowa	96	207	20	26	0	1
Kentucky	327	346	46	50	6	8
Maryland	508	552	30	16	35	12
Massachusetts	197	210	31	43	2	2
Minnesota	371	309	35	42	24	27
Missouri	261	367	/	59	/	7
Montana	128	112	17	38	4	0
New Hampshire	107	120	29	26	0	0
New Jersey	458	520	233	174	12	6
New Mexico	223	205	/	15	/	15
North Dakota	10	20	0	3	1	4
Rhode Island	40	44	7	7	0	0
Vermont	31	39	10	14	1	1
Virginia	305	295	51	53	0	0
Wisconsin	294	/	43	/	2	/
Wyoming	38	43	3	5	16	/

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Numbers are rounded to the nearest whole number. Includes full-time equivalent public defender staff and support staff reported by the public defender. Excludes contractors or assigned counsel hired by the public defenders office or support staff used by contractors or assigned counsel. See *Methodology*.

/Not reported.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013; and Census of Public Defender Offices, 2007.

Most state indigent defense advisory boards had the power to hire or remove the chief executive

Twenty-one states and the District of Columbia had advisory boards or commissions in 2013. Of those, 18 states indicated that the governor was involved in appointing the advisory board members (appendix table 6). Seven of the 18 states indicated that the governor was the sole source of appointment for the advisory board. In 2013, 19 states and the District of Columbia with advisory boards indicated

that the board had the power to hire and remove the chief executive of the indigent defense system (table 12). Thirteen states indicated that the advisory board administered or managed the indigent defense system budget, and 10 states indicated the advisory board established the number and types of personnel for the indigent defense system. One state (Kentucky) reported that the advisory board had none of the powers listed, while 9 states reported their advisory boards had every power listed.

TABLE 12

Advisory board or commission powers in state indigent defense systems, by state, fiscal year 2013

State	Hire/remove chief executive	Establish rules for system	Establish qualifications for chief executive	Adopt performance standards	Establish qualifications for service providers	Administer budget	Establish number and type of personnel positions
Total affirmative responses	20	18	17	16	15	13	10
Arkansas	Yes	Yes	Yes	Yes	Yes	No	Yes
Colorado ^a	Yes	No	Yes	No	No	No	No
Connecticut	Yes	Yes	Yes	Yes	Yes	Yes	Yes
District of Columbia ^b	Yes	Yes	Yes	No	No	No	No
Hawaii	Yes	Yes	Yes	No	No	No	No
Kentucky	No	No	No	No	No	No	No
Louisiana	Yes	Yes	/	Yes	Yes	Yes	No
Maine	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maryland	Yes	No	No	No	No	No	No
Massachusetts	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Minnesota	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Missouri	Yes	Yes	Yes	Yes	No	Yes	No
Montana	Yes	Yes	Yes	Yes	Yes	Yes	Yes
New Hampshire	Yes	Yes	Yes	Yes	Yes	Yes	Yes
New Mexico	Yes	Yes	No	Yes	Yes	No	No
North Carolina	Yes	Yes	No	Yes	Yes	Yes	No
North Dakota	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Oregon	Yes	Yes	Yes	Yes	Yes	Yes	Yes
South Carolina	Yes	Yes	Yes	Yes	Yes	Yes	No
Virginia ^c	Yes	Yes	Yes	Yes	Yes	Yes	Yes
West Virginia	No	Yes	Yes	Yes	Yes	No	No
Wisconsin	Yes	/	Yes	No	No	No	No

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Alaska, Delaware, Iowa, New Jersey, Rhode Island, Vermont, and Wyoming did not have advisory boards or commissions.

/Not reported.

^aResponses from Colorado Public Defender used for consistency.

^bResponses from District of Columbia Public Defender Service used for consistency.

^cResponses from Virginia Indigent Defense Commission only.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

16 states used contract counsel and 14 states and the District of Columbia used assigned counsel in 2013

Eleven states awarded contracts through the public defender for the provision of indigent defense in 2013 (table 13). Of these, six states indicated that the contracting process was

competitive throughout the state. The process of payments for attorneys that provided indigent defense under contracts varied widely by state. Two states paid a flat rate per month or per year, while eight states indicated that the process of payment varied by county or by case.

TABLE 13
Characteristics of contract counsel delivery method in state indigent defense systems, by state or office, fiscal year 2013

State/office	Number of contracts awarded in FY 2013	Competitive award process	Reimbursement per case
Public Defender/executive			
Arkansas	0	No	Per case per month
Connecticut	550	Yes	Varied
Iowa	999	Varied	Varied
Maine	1	Yes	Flat rate per month
Montana	250	Varied	Varied
New Mexico	160	Varied	Per case per month
North Dakota ^a	30	Varied	Per hour
Oregon	98	Yes	Varied
South Carolina	205	Yes	Per case per year
Vermont	98	Yes	Varied
Wisconsin	56	Yes	Varied
Legislature			
Alaska Public Advocate	100	Varied	Varied
Court/court administrator			
Rhode Island Supreme Court	1	No	Flat rate per year
New Hampshire Judicial Council			
New Hampshire	36	Yes	Per case
North Carolina Indigent Defense Services			
North Carolina	160	Varied	Varied

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Louisiana did not respond. /Not reported.

^aNorth Dakota reported that it varied by contract, but then specified how that varied in the comments.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

Eight states indicated that a state commission, public defender office, or assigned counsel administrator maintained a list of eligible assigned counsel for the whole system (table 14). Four states and the District of Columbia indicated that each individual court maintained a list for all judges in the court, and two states indicated that each judge maintained a list.

Seven states and the District of Columbia maintained both a formal application and removal procedure for attorneys on the assigned counsel list. Seven states reported that the hourly rate did not vary by case type. Most reporting assigned counsel systems reported that there was no maximum limit to the amount an attorney could bill for a case (not shown).

TABLE 14
General standards for assigned or appointed counsel in state indigent defense systems, by office maintaining list of eligible attorneys, fiscal year 2013

Office maintaining list of eligible attorneys	Number of states	Formal application	Formal removal ^a	Hourly rate (in dollars)			Lower out of court rate	
				Capital ^b	Felony	Misdemeanor		Juveniles
State commission	6							
Arkansas		Yes	Yes	\$110	\$90	\$80	\$80	No
Maine		Yes	No	/	50	50	50	No
New Hampshire		Yes	No	60	60	60	60	No
North Dakota		Yes	Yes	/	75	75	75	No
Oregon		Yes	Yes	~	45	45	45	No
Virginia ^c		Yes	Yes	/	/	/	/	/
Public defender office/ assigned counsel administrator	3							
Iowa		Yes	Yes	~	/	60	/	No
Maryland		No	No	/	/	50	/	No
Massachusetts		Yes	Yes	~	/	50	/	No
Individual court	5							
District of Columbia Superior Court		Yes	Yes	~	/	/	/	/
North Carolina		Yes	Yes	85	65	55	55	No
Rhode Island Supreme Court (only)		Yes	No	100	75	50	30	No
South Carolina		No	No	75	60	60	60	Yes
Vermont		No	No	~	50	50	50	No
Judge/other	2							
West Virginia		No	No	/	65	65	65	Yes
Wisconsin		Yes	Yes	~	40	40	40	No

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Alaska and Delaware did not respond to the questions about assigned counsel.

~Not applicable.

/Not reported.

^aIncludes formally established procedures for removing attorneys from the assigned/appointed counsel list of attorneys that provide representation to indigent clients.

^bThe following states did not have death penalty laws in 2013: Iowa, Massachusetts, North Dakota, Rhode Island, Vermont, Wisconsin, and the District of Columbia. Maryland abolished the death penalty in May 2013.

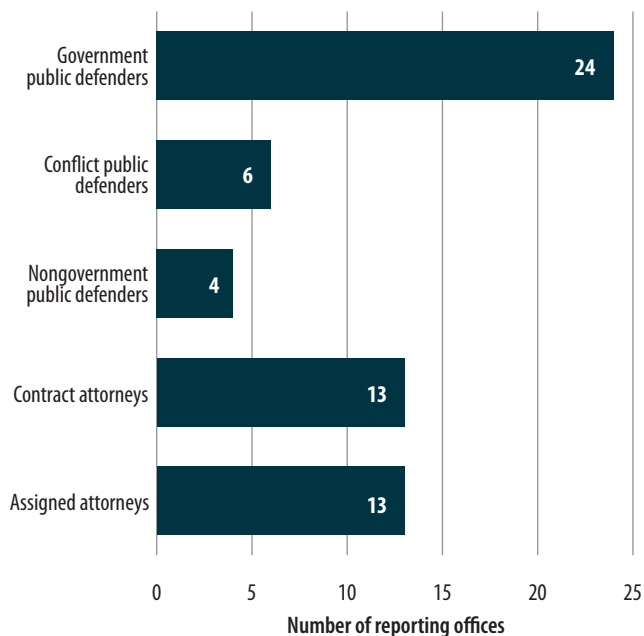
^cSee Virginia Indigent Defense Commission Annual Report FY2013.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

Most state-administered indigent defense systems reimbursed attorneys for out-of-pocket expenses

Twenty-four (92%) state-administered governmental public defender offices, including the District of Columbia, reimbursed attorneys for out-of-pocket expenses incurred in 2013. Four in five (80%) nongovernmental public defender offices reimbursed attorneys for out-of-pocket expenses. (figure 4). All six conflict public defender offices reimbursed attorneys for out-of-pocket expenses incurred. More than 80% of contract systems (13 in 16) and assigned attorney systems (13 in 15) reported that they reimbursed attorneys for out-of-pocket expenses incurred in 2013.

FIGURE 4
Attorneys reimbursed for out of pocket expenses in state indigent defense systems, by delivery method, fiscal year 2013



Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Detail may not sum to total because offices could report more than one delivery method. Includes 33 offices in 28 states and the District of Columbia. Excludes Wisconsin and Virginia assigned/appointed counsel.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

Methodology

Survey overview

The Bureau of Justice Statistics' (BJS) National Survey of Indigent Defense Systems (NSIDS) is the first data collection from all forms of indigent defense delivery in the United States. The NSIDS furthers the work of the 2007 Census of Public Defender Offices (CPDO) and the 1999 Survey of Indigent Defense Systems. NORC at the University of Chicago fielded the both the 2007 CPDO and the 2013 NSIDS on behalf of BJS. This report is based on data from state-administered indigent defense systems. A state-administered indigent defense system is one in which one or two offices coordinate the funding and delivery of indigent defense throughout the entire state. A forthcoming report will be based on data from the county-administered indigent defense systems. NSIDS collected information about the type of indigent defense delivery methods, caseloads, personnel and staffing, conflict management, funding and fees collected by indigent defense systems, and tracking of graduates.

Universe identification

The universe list of indigent defense systems began with the 2007 CPDO. The list of public defenders was supplemented by the National Legal Aid and Defender Association (NLADA) for state-administered systems. The universe included state-administered indigent defense systems that handled felony cases, and included data on all of the other cases handled by that system, including misdemeanors, juvenile, appellate, and civil cases. The universe did not include indigent defense provided in tribal court systems or municipal court systems.

For the majority of this report, the unit of count is the state. The District of Columbia is neither a state nor a county; however, the provision of indigent defense was handled primarily by the Public Defender Service (PDS). Any cases that the District of Columbia's PDS could not handle were referred to a panel of attorneys called the Criminal Justice Act (CJA) panel (i.e., Criminal Justice Act of 1964). Data for the NSIDS were collected from the offices responsible for state-administered indigent defense. Two offices had to be combined to report at the state level for Alaska, Colorado, the District of Columbia, and Rhode Island. Virginia's Indigent Defense Commission responded to the survey and reported the information for the state's public defender system. The survey was not sent to the Virginia Supreme Court, mistakenly. While New Hampshire had one main office for the provision of indigent defense, the survey was sent to both the New Hampshire Public Defender and the New Hampshire Judicial Council. Staff worked with the New Hampshire Judicial Council to reconcile differences between the responses received from the public defender and the judicial council.

The original universe list included the 50 states and the District of Columbia. State-administered indigent defense systems included 28 states and the District of Columbia. The remaining 22 states will be included in the forthcoming county-administered report.

Response rate

The survey was sent to 35 state offices in 28 states and the District of Columbia in November 2014. The initial contact letter contained a link to a web-based survey and an access code for respondents to enter and complete the survey online. Later in the data collection, offices were sent links to the web survey and a paper questionnaire. Data collection continued through October 2015, with a reference year of 2013. If the indigent defense office did not respond to the survey, staff followed up with phone calls and emails to the respondent. After repeated follow-up, the survey reached a 100% unit response rate. Twenty-five offices (71%) completed the survey online and 10 offices (29%) completed the paper questionnaire.

Item nonresponse

The NSIDS included 57 total questions; however, the web survey contained logic for skip patterns. That is, an office indicating that it used public defenders for indigent defense delivery saw only questions related to public defenders, not questions for assigned or contract counsel. If an office indicated it used all methods of delivery, it received all questions. For responding offices, there was no discernible pattern to item nonresponse. Overall, the item nonresponse rate for each question was less than 20%, unless otherwise noted in the tables.

Accuracy of the estimates

Because the NSIDS was designed to be a census of all indigent defense delivery methods and the state-administered portion received a 100% unit response rate, any error should come from item nonresponse.

Definition of a case

A case was defined as a set of all charges against a single defendant that were handled by the court as a single matter. A case referred to a single defendant. A case with three defendants was recorded as three cases, but a case with one defendant with multiple charges was counted as one case.

Further, respondents were asked to count the number of cases closed, meaning that they were to count cases where a judgment of conviction, acquittal, or dismissal with or without prejudice, was entered by the court. Cases closed are presented, unless otherwise noted.

Full-time equivalent and workload estimates

Full-time equivalent (FTE) is typically calculated by dividing the hours worked by part-time employees by the standard number of hours for full-time employees (40 hours per week), then adding the resulting quotient to the number of full-time employees. The unit of count may be different by type of attorney. That is, a public defender may be considered full time at 40 hours per week, while an assigned attorney may be considered full time based on the number of cases received. Because the survey only asked for counts of full- and part-time employees and not about the hours worked, FTE was calculated by adding the total number of reported full-time employees to half of the reported part-time employees, or $FT + (PT * 0.5)$. This assumes that two part-time employees on average equates to one FTE employee and makes it difficult to compare FTE employees across delivery methods.

To estimate overall attorney workload by case type, the number of case types closed in a state was divided by the number of full-time equivalent attorneys in a state. This assumes that attorneys do not specialize by case type but handle every case type, and that cases are evenly distributed to all litigating attorneys, regardless of whether they are supervisors who litigate cases, attorneys with many years of experience, or recently hired attorneys.

State-specific notes on indigent defense systems

Alaska: Public Defender Agency did not provide case counts, but provided attorney counts. Alaska's Office of Public Advocacy provided case counts but not attorney counts.

Arkansas: Reported total number of cases differed from caseload summed by reported number of cases by case type. Numbers reflect caseload summed by case type.

Connecticut: Did not have the death penalty in 2013. However, it was not retroactive, and 11 prisoners were on death row.

District of Columbia Superior Court: Did not track cases and did not report the number of attorneys on staff. Caseload and number of FTE numbers reflect District of Columbia Public Defender Service only.

Maryland: Did not report. Maryland abolished the death penalty in 2013. Numbers reflect cases opened in calendar year 2013 obtained from the Fiscal Year Annual Report from the Office of the Public Defender.

Montana: Reported 222 part-time contract attorneys that were shared by the three delivery methods (public defender, conflict public defender, and contract counsel). The 110 FTE contract employees were reported as contract employees because they were paid through a contract.

New Mexico: Repealed the death penalty in 2009, though it was not retroactive. Two inmates were on death row in New Mexico in 2015. New Mexico reported 110 capital cases in fiscal year 2013. New Mexico has 5 classes of felony offenses, the most serious of which is the capital felony, which is likely reported in this category.

North Carolina: Tracked cases by fee applications. The numbers presented are not necessarily cases closed.

Virginia: The survey was not sent to the Virginia Supreme Court for assigned/appointed counsel information. The information on assigned/appointed counsel system was taken from the Supreme Court's 2013 Yearly Report on Legal or Medical Services provided. Only those attorneys provided under Virginia statute 19.2-163 were included in the tables.

Wyoming: Administered an indigent defense and a guardian ad litem program. This report only addresses data for the indigent defense program.

APPENDIX TABLE 1**Delivery methods to provide indigent defense, by state, fiscal year 2013**

State	Number of methods	Governmental public defender	Governmental public defender conflict	Nongovernmental public defender	Contract counsel	Assigned/appointed counsel
Total		26	6	5	17	16
Alaska	3	Yes	Yes	No	Yes	No
Arkansas	4	Yes	Yes	No	Yes	Yes
Colorado	2	Yes	Yes	No	No	No
Connecticut	2	Yes	No	No	Yes	No
Delaware	2	Yes	Yes	No	No	No
District of Columbia	2	Yes	No	No	No	Yes
Hawaii	1	Yes	No	No	No	No
Iowa	5	Yes	Yes	Yes	Yes	Yes
Kentucky	2	Yes	No	No	Yes	No
Louisiana	2	Yes	No	No	Yes	No
Maine	2	No	No	No	Yes	Yes
Maryland	2	Yes	No	No	No	Yes
Massachusetts	2	Yes	No	No	No	Yes
Minnesota	1	Yes	No	No	No	No
Missouri	1	Yes	No	No	No	No
Montana	3	Yes	Yes	No	Yes	No
New Hampshire	3	No	No	Yes	Yes	Yes
New Jersey	1	Yes	No	No	No	No
New Mexico	2	Yes	No	No	Yes	No
North Carolina	4	Yes	No	Yes	Yes	Yes
North Dakota	3	Yes	No	No	Yes	Yes
Oregon	4	Yes	No	Yes	Yes	Yes
Rhode Island	2	Yes	No	No	/	Yes
South Carolina	3	Yes	No	No	Yes	Yes
Vermont	3	Yes	No	No	Yes	Yes
Virginia	2	Yes	No	No	No	Yes
West Virginia ^a	2	No	No	Yes	No	Yes
Wisconsin	3	Yes	No	No	Yes	Yes
Wyoming ^b	2	Yes	No	No	Yes	No

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013.

/Not reported.

^aWest Virginia had public defender corporations that were nonprofit agencies run by boards of directors. The chair of each board was appointed by the governor, and the remaining members were appointed by county commissions and bar associations. The state agency provided grants of funds pursuant to a contract, but corporations governed their own affairs. They were not run by either the state or county, but were almost entirely funded by the state.

^bExcluded a separate guardian ad-litem program.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

APPENDIX TABLE 2

Cases closed by state indigent defense systems, by delivery method and state, fiscal year 2013

State	Total	Public defender	Assigned/ appointed counsel	Contract counsel	Conflict counsel
Total	2,697,010	1,652,650	486,950	316,250	23,030
Alaska ^a	6,500	~	~	2,500	4,000
Arkansas ^b	88,760	86,400	650	~	1,710
Colorado	111,160	97,870	~	~	13,290
Connecticut	70,870	53,650	~	17,230	~
Delaware	33,470	29,440	~	~	4,030
District of Columbia ^c	13,500	13,500	/	~	~
Hawaii	36,200	36,200	~	~	~
Iowa	152,870	91,940	/	60,930	/
Kentucky	160,200	156,350	~	3,860	~
Louisiana	157,000	157,000	~	/	~
Maine	28,820	~	28,150	670	~
Maryland ^d	218,140	/	/	~	~
Massachusetts	192,490	39,040	153,450	~	~
Minnesota	158,800	158,800	~	~	~
Missouri	79,990	79,990	~	~	~
Montana	30,400	30,400	~	0	0
New Hampshire	31,430	27,350	190	3,880	~
New Jersey	108,590	108,590	~	~	~
New Mexico	75,560	47,070	~	28,490	~
North Carolina ^e	333,240	116,060	205,070	12,110	~
North Dakota	12,000	4,000	2,000	6,000	~
Oregon	172,650	1,920	3,420	167,310	~
Rhode Island	29,780	21,050	7,920	800	~
South Carolina	59,550	52,890	4,930	1,730	~
Vermont	19,200	12,880	320	6,010	~
Virginia ^f	98,430	98,430	~	~	~
West Virginia	64,750	32,740	32,010	~	~
Wisconsin ^c	138,320	84,750	48,840	4,730	~
Wyoming	14,340	14,340	~	~	~
Median	75,560	49,980	6,425	4,730	4,000

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. All numbers are rounded to the nearest 10. Maryland did not provide information on cases closed. See *Methodology* for definitions.

~Not applicable.

/Not reported.

^aAlaska Public Defender Agency did not report. Numbers reflect Alaska Public Advocate only.

^bCase totals are summed from cases closed by case type.

^cDistrict of Columbia Superior Court did not report. Numbers reflect District of Columbia Public Defender Service only.

^dMaryland did not report. Numbers reflect cases opened in calendar year 2013 obtained from the 2014 Fiscal Year Annual Report from the Office of the Public Defender.

^eNorth Carolina tracks cases by fee applications. The numbers presented are not necessarily cases closed.

^fIn 2013, Virginia's 2,220 assigned counsel represented 179,170 individuals—not shown in table (taken from Supreme Court's Yearly Report of Legal or Medical Services 2013 and Indigent Defense Commission Annual Report 2013).

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

APPENDIX TABLE 3

Guidelines and standards in state indigent defense systems, by state, fiscal year 2013

State	Total guidelines per state ^b	Caseload standards		Attorney assignment guidelines		Criminal case guidelines ^a			Juvenile case guidelines ^a	
		Caseload limits	Reject if exceed limit	Interim within 1 day ^c	Permanent within 3 days	Vertical representation ^d	Attorney present at bail/arraignment	Attorney advise client of plea	Attorney present at detention	Attorney present at adjudication
Alaska	7	No	~	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Arkansas	3	No	~	No	No	No	No	Yes*	Yes*	Yes*
Colorado	6	Yes*	No	No	Yes	Yes*	Yes	Yes	No	Yes
Connecticut	7	Yes	No	No	Yes	Yes*	Yes	Yes	Yes	Yes
Delaware	4	No	~	No	Yes	No	No	Yes	Yes	Yes
District of Columbia	8	Yes*	/	Yes	Yes	Yes*	Yes	Yes	Yes	Yes
Hawaii	5	No	~	No	No	Yes*	Yes	Yes	Yes	Yes
Iowa	0	No	~	/	/	No	No	No	No	No
Kentucky	6	No	~	No	Yes	Yes*	Yes	Yes	Yes	Yes
Louisiana	7	Yes*	Yes	No	Yes	Yes*	Yes [^]	Yes	Yes	Yes
Maine	7	No	~	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maryland	6	Yes*	No	Yes	No	No	Yes	Yes	Yes	Yes
Massachusetts	7	Yes	Yes	No	Yes	Yes*	Yes	Yes	Yes	Yes
Minnesota	7	No	~	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Missouri	2	No	~	No	No	No	Yes	Yes*	No	No
Montana	7	Yes*	Yes	Yes	Yes	Yes*	No	Yes	Yes	Yes
New Hampshire	6	Yes	Yes	Yes	Yes	Yes*	No	No	Yes	Yes
New Jersey	3	No	~	No	No	No	No	Yes*	Yes	Yes
New Mexico	7	No	~	Yes	Yes	Yes*	Yes	Yes	Yes	Yes
North Carolina ^e	5	Yes	Yes	No	No	Yes*	Yes	Yes*	No	Yes*
North Dakota	5	No	~	No	No	Yes*	Yes	Yes	Yes	Yes
Oregon	8	Yes*	Yes	Yes	Yes	Yes	Yes	Yes*	No	Yes*
Rhode Island	6	No	~	No	Yes	Yes*	Yes	Yes	Yes	Yes
South Carolina	2	Varied	No	No	No	No	No	No	Yes*	Yes*
Vermont	5	Yes*	No	Yes	Yes	No	Yes	No	Yes	No
Virginia	4	Varied	Varied	/	Yes	No	No	Yes	Yes	Yes
West Virginia	7	Yes*	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Wisconsin	4	No	~	No	Yes	/	Yes	/	Yes	Yes
Wyoming ^f	5	Yes	No	~	Yes	Yes*	/	/	Yes	Yes

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. If one office or one delivery method indicated it has a standard, or that the standard was mandatory, it was reported for the whole state. If delivery methods within a state reported different standards, the most stringent standard was reported for the whole state.

~Not applicable.

/Not reported.

*Guideline was not mandatory.

[^]Attorney was not physically present at hearing.

^aGuidelines were mandatory unless otherwise noted.

^bSum of affirmative responses.

^cAn interim attorney was assigned to the defendant at any initial hearing, immediately following arrest or following the issuance of a summons, until a permanent attorney was provided.

^dVertical representation is when the same attorney represents the client from appointment through all stages of the proceedings.

^eNorth Carolina did not maintain attorney assignment guidelines.

^fThe first attorney assignment was permanent in Wyoming, and an interim attorney was not required.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

APPENDIX TABLE 4

Types of continuing legal education or professional development offered to attorneys in state indigent defense systems, by state, fiscal year 2013

State	Total	Criminal law	Motion practice	Trial skills	Death penalty	Ethics	Juvenile delinquency	Dependency	Mental illness	Appellate	Civil	Other ^a
Alaska	9	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Arkansas ^b	9	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Colorado	8	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No
Connecticut	11	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Delaware	10	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
District of Columbia ^c	9	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes
Hawaii	5	Yes	Yes	Yes	No	No	Yes	No	Yes	No	No	No
Iowa	5	Yes	Yes	Yes	No	Yes	No	No	No	Yes	No	No
Kentucky	8	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No
Louisiana	10	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Maine	8	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	No
Maryland	10	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Massachusetts	9	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Minnesota	8	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No
Missouri	8	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No
Montana	10	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
New Hampshire	6	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No	No	No
New Jersey	8	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes
New Mexico	8	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No
North Carolina ^d	11	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
North Dakota	6	Yes	No	Yes	No	Yes	Yes	No	No	No	Yes	Yes
Oregon	10	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Rhode Island ^e	4	Yes	No	No	No	Yes	No	No	Yes	No	No	Yes
South Carolina ^f	10	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Vermont	10	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Virginia ^g	6	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	No	No
West Virginia	7	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No	No
Wisconsin	8	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. If standard was reported for one office or one indigent defense delivery method, it was presented for the entire state. Wyoming did not report data.

^aIncludes forensic science, collateral consequences, termination of parental rights, sex offender assessment, leadership and management, post-conviction, and child welfare.

^bContinuing legal education (CLE) was not provided to contract or assigned counsel attorneys.

^cDistrict of Columbia Superior Court did not report. Numbers reflect District of Columbia Public Defender Service only.

^dCLE was not provided to nongovernmental public defenders.

^eCLE was required for both Rhode Island Public Defenders and Supreme Court; however, CLE was not provided by Rhode Island Supreme Court.

^fCLE was not provided to assigned or appointed counsel.

^gCLE reported by Virginia Indigent Defense Commission only.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

APPENDIX TABLE 5**Full-time equivalent support staff in state indigent defense systems, by state, fiscal year 2013**

State	Attorney trainers	Indigency screeners	Clerical	Administrative	Other
Alaska ^a	/	/	30	8	/
Colorado ^b	1	15	74	44	2
Connecticut	1	0	79	22	0
Delaware	1	12	31	11	0
District of Columbia ^c	1	11	12	26	0
Hawaii	0	0	22	1	0
Iowa	1	0	44	9	0
Kentucky	5	0	153	15	3
Louisiana	2	11	141	48	2
Maine ^d	2	7	1	1	0
Maryland	3	181	82	100	0
Massachusetts	13	0	106	42	32
Minnesota	1	0	61	10	0
Missouri	2	0	118	20	0
Montana ^e	2	11	57	19	0
New Hampshire	1	0	67	7	3
New Jersey	0	0	249	45	264
New Mexico	2	16	60	21	0
North Carolina	1	/	/	36	3
North Dakota	0	0	11	1	0
Rhode Island ^f	0	7	18	5	3
South Carolina	0	5	101	25	2
Vermont	1	0	14	4	0
Virginia ^g	2	0	107	17	29
West Virginia	0	0	56	11	0
Wyoming	/	/	1	3	/

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Rounded to nearest whole number. Arkansas, Oregon, and Wisconsin did not report data. See *Methodology* for more detail on calculating full-time equivalent staff.

~Not applicable.

/Not reported.

^aAlaska Office of the Alternate Defender did not report. Numbers reflect Alaska Public Defender only.

^bColorado Alternate Defender did not provide consistent data. Numbers reported reflect the Colorado Public Defender only.

^cDistrict of Columbia Superior Court did not report. Numbers reflect District of Columbia Public Defender Service only.

^dMaine did not report public defenders or public defender staff in 2013.

^eMontana's investigators and indigency screeners were shared by public defenders and conflict defenders.

^fRhode Island Supreme Court did not provide consistent data. Numbers reflect Rhode Island Public Defenders only.

^gNumbers reflect Virginia Indigent Defense Commission only.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

APPENDIX TABLE 6**Appointing members of the advisory board in state indigent defense systems, by state, fiscal year 2013**

State	Governor	State legislature	State supreme court	State and specialty bar association	Other ^a
Arkansas	Yes	No	No	No	/
Colorado	No	No	Yes	No	No
Connecticut	Yes	Yes	No	No	No
District of Columbia ^b	Yes	No	No	No	Yes
Hawaii	Yes	No	No	No	/
Kentucky	Yes	No	Yes	Yes	Yes
Louisiana ^c	Yes	Yes	Yes	Yes	Yes
Maine	Yes	Yes	No	No	No
Maryland	Yes	Yes	No	No	No
Massachusetts	Yes	Yes	Yes	No	No
Minnesota	Yes	No	Yes	No	No
Missouri	Yes	No	No	No	No
Montana	Yes	No	No	No	No
New Hampshire	Yes	Yes	Yes	Yes	Yes
New Mexico	Yes	Yes	Yes	No	No
North Carolina ^d	Yes	Yes	Yes	Yes	/
North Dakota	Yes	Yes	Yes	Yes	No
Oregon	/	/	Yes	/	/
South Carolina	Yes	Yes	Yes	No	No
Virginia	Yes	Yes	Yes	Yes	No
West Virginia	Yes	No	No	No	No
Wisconsin	Yes	No	No	No	No

Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. Alaska, Delaware, Iowa, New Jersey, Rhode Island, Vermont, and Wyoming did not have advisory boards or commissions.

/Not reported.

^aIncludes local bar, county commission, state law commission, Children's Code Commission, law school dean/professor, and judges.

^bAppointed by the mayor.

^cLouisiana reported that the State Law Institute and Children's Code Commission were also involved.

^dNorth Carolina reported that the Indigent Defense Commission approved 3 of the 10 members.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.



The Bureau of Justice Statistics of the U.S. Department of Justice is responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates statistics on crime and justice systems in the United States. In addition, BJS supports improvements to state and local criminal justice information systems and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeri M. Mulrow is acting director.

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